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SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/724,044	12/13/04	NATSUKI MAKINO, ET AL.	2003_1739A

Title:
ELECTROLYTIC PROCESSING APPARATUS AND METHOD

Art Unit	Paper Number
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Grant Date: 20-May-05

Approved:

for Commissioner of Patents and Trademark

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LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]



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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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Nils E. Pedersen
WENDEROTH, LIND & PONACK, L.L.P.
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Washington, D.C. 20006-1021

In re: Makino et al : DECISION ON REQUEST
Serial No.: 10/724,044 : UNDER 37 CFR 5.25
Filing date: December 1, 2003
Docket No: 2003-1739A

Title: ELECTROLYTIC PROCESSING APPARATUS AND METHOD

This is a decision on the petition filed on November 19, 2004 for retroactive foreign filing license.

It has been determined that a retroactive license for foreign filing under 35 U.S.C.184 be granted with respect to the filings listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under a secrecy order, that the license was diligently sought after discovery of the proscribed foreign filing, and that the material was filed abroad without the required license under 37 C.F.R 5.11 through error and without deceptive intent.

Country

Date

Japan
Japan

December 2, 2002
November 28, 2003

Ian J. Lobo
Patent Examiner
(703) 306-4161



JHW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 1464
Natsuki MAKINO et al. : Docket No. 2003_1739A
Serial No. 10/724,044 : Group Art Unit 1753
Filed December 1, 2003 : Mail Stop: PETITION

ELECTROLYTIC PROCESSING
APPARATUS AND METHOD

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DEC 18 2004

LEADS & REVIEW

PETITION FOR RETROACTIVE LICENSE UNDER 35 U.S.C. 184

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants in the above-referenced U.S. patent hereby petition for a retroactive foreign filing license under 35 U.S.C. 184 and in accordance with 37 C.F.R. § 5.25 and 5.14(a).

The corresponding United States application, currently on file, for which this petition for license is sought is identified above by its application number, filing date, inventors and title. In accordance with 37 C.F.R. § 5.14, no copy of this material is, accordingly, attached. Applicants understand that the licensed subject matter will be measured by the disclosure of the above-referenced U.S. patent application.

The list of foreign countries in which the unlicensed patent application material was filed is as follows:

Japan

The material was filed in Japan on December 2, 2002 and on November 28, 2003. Japanese patent application No. 2003-350529, the first filed application, was revised and refiled as application 2003-399443, the later filed application. The above-referenced U.S. patent application claims priority on both of these applications.

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THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0878

Verified statements by Mr. Kenichi Sasabe and Mr. Yukio Fukunaga including the required parts identified in 37 C.F.R. § 5.25(3) are attached. Also attached are support documents referenced in their statements.

It is noted that many of the support documents are submitted to establish the simple fact of a communication or meeting, e.g., and not for the specific contents thereof. The contents have been redacted in many instances to protect confidential, proprietary, and trade secret information and to maintain privilege based on attorney-client communications and/or attorney work product. While some of the support documents are submitted to establish the fact of an attorney-client communication or attorney work product, the contents thereof have been redacted and no waiver of privilege is made or intended.

It is respectfully submitted that these statements make it clear that the subject matter in the present application was not under a secrecy order at the time it was filed in Japan, that it is not currently under a secrecy order, that the license has been diligently sought after discovery of the proscribed foreign filing and that the foreign filing without the required license under § 5.11 was through error and without deceptive intent.

Further, the fee set forth in § 1.17(h) is attached.

Accordingly, it is respectfully submitted that this petition is complete and proper, and the grant of the petition is requested.

Respectfully submitted,

Natsuki MAKINO et al.

By 

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November 19, 2004